

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 05-12949

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JUNE 22, 2006 THOMAS K. KAHN CLERK
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D.C. Docket No. 03-00515 CV-J-99-TEM

DONMAR ENTERPRISES, INC.,
a Florida Corporation,

Plaintiff-Appellee,

versus

NISSAN NORTH AMERICA, INC.,
a California corporation,
NISSAN JIDOSHA KOBUSHIKI KAISHA,
a Japanese corporation d.b.a. Nissan Motor Co. Ltd.,

Defendants-Appellants.

Appeal from the United States District Court for the
Middle District of Florida

(June 22, 2006)

Before TJOFLAT, BARKETT and GOODWIN*, Circuit Judges.

PER CURIAM:

The record in this appeal reveals that the district court exceeded its jurisdiction in accepting the invitation of the parties to revise the “Mediated Settlement Agreement” (EXHIBIT A) when there existed unresolved disputed questions of fact as to the intention of the parties. The order appealed from is vacated and the cause is remanded to the District Court for an evidentiary hearing to determine the disputed questions regarding matters not covered by the said exhibit. Neither party to recover costs.

VACATED AND REMANDED

*Honorable Alfred T. Goodwin, United States Circuit Judge for the Ninth Circuit, sitting by designation.